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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/054,245	01/24/2002	Douglad Ross Cardy	CCK94028	3727

25537 7590 05/21/2004

MCI, INC
TECHNOLOGY LAW DEPARTMENT
1133 19TH STREET NW, 10TH FLOOR
WASHINGTON, DC 20036

EXAMINER

HOOSAIN, ALLAN

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 05/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/054,245

Applicant(s)

CARDY ET AL.

Examiner

Allan Hoosain

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 August 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

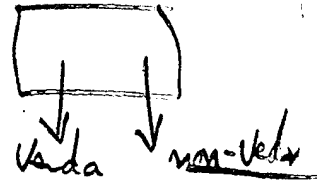
Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Claim Rejections - 35 USC § 112



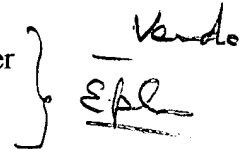
A handwritten diagram consisting of a rectangular box at the top. Two arrows point downwards from the bottom of the box. The left arrow points to the word 'vender' and the right arrow points to the word 'non-vender'.

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Applicant has not pointed out where the amended claim is supported, nor does there appear to be a written description of the claim limitation "the uniform interface comprises a non-vender specific interface associated with the switch intelligence" in the application as filed.

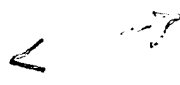


Handwritten notes: 'vender' and 'EPL' with a bracket connecting them to the 'non-vender' limitation in the text above.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 25 recites the limitation "said plurality of application programming interfaces" in line 2. There is insufficient antecedent basis for this limitation in the claim.



A handwritten mark resembling a checkmark or the letter 'L'.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-49 are rejected under 35 U.S.C. 102(e) as being anticipated by **Wheeler, Jr.** (US 5,583,920).

As to Claims 1,9-15,22-25,27-43, with respect to Figures 1-3, **Wheeler, Jr.** teaches a an apparatus for decentralizing communications services in an AIN telecommunications system comprising:

CO-SSP 13 (a switch fabric) which provides bearer functions (Figure 2);

ISCP 40 (a switch intelligence) which provides control functions for said switch fabric, said switch intelligence logically separated from said switch fabric (Figure 1A and Figure 5, label S2,S7);

IP (switch fabric proxy service), for providing Direct Talk Modules 1203 line interfaces (a normalized interface) between said switch fabric and said switch intelligence for communications involving said switch fabric and interfacing to said switch intelligence with a X.25 network (uniform application program interface) (Figure 4 and Col. 34, lines 20-55);

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wherein the Direct Talk Modules line interfaces (normalized interface) comprises ISDN and T1 interfaces (any one of a plurality of vendor-specific interfaces) associated with CO SSP (the switch fabric) and the X.25 network (uniform interface) comprises proprietary protocols (a non-vendor specific interface) associated with the switch intelligence (Col. 10, lines 20-28, Col. 27, lines 58-61, Col. 29, lines 6-14, Col. 32, lines 24-29); and

Direct Talk Modules digit collection service (feature processor), said feature processor executing digit collection (at least one telecommunications feature), for interacting with said switch intelligence to thereby provide said digit collection (telecommunications feature) (Figure 6, labels 9-12).

As to Claims 2, **Wheeler, Jr.** further teaches the system of claim 1, wherein said switch intelligence further comprises:

caller dialing (at least one facility instance) instantiated by a trigger (a facility service) using a call forwarding (facility model), said facility instance representing the bearer and signaling facilities of a party to a call, for interacting with said switch fabric proxy service to communicate with said switch fabric (Figure 6).

As to Claim 3, **Wheeler, Jr.** further teaches the system of claim 2, wherein said ISCP 40 switch intelligence further comprises:

ISCP route instructions (connection manager service) representing the connectors for said party to a call for interacting with said switch fabric proxy service to communicate with said switch fabric (Figure 6, label 3).

As to Claim 4, **Wheeler, Jr.** teaches the system of claim 3, wherein said ISCP 40 switch intelligence further comprises:

Call resource (at least one call segment instance) instantiated by a speak message and collect digits (call segment instance service) using a call forwarding (a call model), said call segment instance representing the call logic and call data for said party to a call, for interacting with said IP (feature processor), said ISCP route instructions (connection manager service), and said facility instance (Figure 6).

As to Claim 5, **Wheeler, Jr.** teaches the system of claim 2, wherein said switch intelligence further comprises:

a first call processing creation environment, SCE 42, said SCE 42 (first call processing creation environment) interacting with said facility service for modifying said facility model (Col. 34, lines 11-43).

As to Claim 6, **Wheeler, Jr.** teaches the system of Claim 4, wherein said ISCP 40 (switch intelligence) further comprises:

SCP-43 (a second call processing creation environment), said second call processing creation environment interacting with said call segment instance service, for modifying said call model (Col. 34, lines 11-29).

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As to Claim 7, **Wheeler, Jr.** teaches the system of claim 2, wherein said ISCP 40 (switch intelligence) further comprises:

IVR (a third call processing creation environment), said third call processing creation environment interacting with said facility service, for creating new facility models (Col. 34, lines 56-67).

As to Claim 8, **Wheeler, Jr.** teaches the system of claim 4, wherein said ISCP 40 (switch intelligence) further comprises:

IP scripts (a fourth call processing creation environment), said fourth call processing creation environment interacting with said call segment instance service, for creating new call models (Col. 34, lines 56-67 and Col. 35, lines 1-15).

As to Claims 16-21, **Wheeler, Jr.** teaches an apparatus according to claim 11 wherein said switch-fabric proxy service translates switch-fabric communications into switch-intelligence communications (Col. 27, line 61 through Col. 28, line 5 and Col. 34, lines 44-55).

As to Claim 26, **Wheeler, Jr.** teaches an apparatus according to claim 22 wherein said switch intelligence provides control functions to a plurality of switch fabrics (Figure 1A and Col. 10, lines 20-26).

As to Claim 44, with respect to Figure 6, **Wheeler, Jr.** teaches an apparatus comprising:

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an IP (feature processor) for executing at least one telecommunications function (Figure 6);
and

an application programming interface, 5,6, communicating with said feature processor,
wherein said application programming interface translates feature processor communications
into at least one of communications defined according to a uniform interface and switch
intelligence communications (Figure 6, labels 5-10).

As to Claims 45-46, with respect to Figures 3-6, **Wheeler, Jr.** teaches an apparatus for coupling
at least one switch fabric having a control interface to at least one switch intelligence for
controlling the switch fabric, the switch intelligence being physically separated from the switch
fabric, comprising:

a switch-fabric proxy service including a first interface, Figure 4, label 1203,
communicable with the switch fabric, the first interface being compatible with the switch-fabric
control interface, and

a second interface, Figure 2, label 73, communicable with the switch intelligence by
which the switch intelligence controls the switch fabric (Figure 2 and Figure 4).

As to Claims 47, **Wheeler, Jr.** teaches an apparatus, comprising:

CO-SSP (a call completion device) for providing receiving incoming calls (bearer
functions), said call completion device performing communications with an ISCP (switch
intelligence) that is separated from said call completion device (Figure 1A).

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As to Claim 48, **Wheeler, Jr.** teaches the apparatus of claim 47, wherein the switch intelligence comprises call forwarding (a call state model), and wherein the call completion device communicates with the switch intelligence to affect call handling (a call state) (Figure 6, labels 1-4).

As to Claim 49, **Wheeler, Jr.** teaches the apparatus of claim 48, where the call state is represented in the call state model (Figure 6).

Response to Arguments

7. Applicant's arguments filed in the 8/13/03 Remarks have been fully considered but they are not persuasive because of the following:

(a) Examiner agrees that **Wheeler '583** and **'920** are very similar. However, Examiner believes that the allowability of the claims in US 6,041,109 based on the **Wheeler '920** reference was a mistake. This was because of the abstract nature of the disclosure in US 6,041,109. At the time of processing the 08/580,712 application Examiner did not properly correlate its abstract teachings with the **Wheeler '920** reference. However, in processing the instant 10/054,245 application, Examiner better understands the abstract teachings with respect to **Wheeler '920**. Examiner respectfully believes that **Wheeler '920** teaches the claims in the instant application and those allowed in US 6,041,109.

(b) Examiner agrees that **Wheeler '583** administrative module is part of the switch fabric. However, based on the information in (a) above, Examiner has withdrawn the **Wheeler '583** patent and has again used the **Wheeler '920** patent because it has more information to explain

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the claims. A new non-final office action is given to show how **Wheeler '920** reads on the claims. All other arguments are moot.

(c) It would be very helpful if Applicants would contact Examiner to explain how the limitations in the abstract disclosure correlates with an actual network. In this regard, Examiner respectfully invites Applicants to do so and, if necessary, to discuss possible amendments for overcoming the prior art of record.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sattar et al. (5,469,500) teach a call processor which provides service creation and call processing.

Sattar et al. (US 5,703,940) teach a call processor which comprises a service node and IP for processing calls.

Sattar et al. (US 5,572,581) teach a call processor which contains service logic which executes call processing instructions.

9. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231
or faxed to:

(703) 872-9314, (for formal communications intended for entry)

Or:

(703) 306-0377 (for customer service assistance)

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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Allan Hoosain** whose telephone number is (703) 305-4012. The examiner can normally be reached on Monday to Friday from 8 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Fan Tsang**, can be reached on (703) 305-4895.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Allan Hoosain
Allan Hoosain
Primary Examiner
5/12/04